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JAMES C. LYDON  
Attorney At Law  
100 Daingerfield Road  
Suite 100  
703 Alexandria, VA 22314

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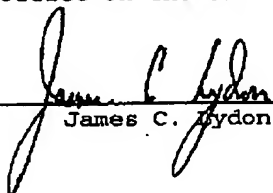
FROM: James C. Lydon

RE: Request for Reconsideration of Patent Term Adjustment  
U.S. Patent No. 7,112,297  
U.S. Patent Appln. S.N. 10/697,302  
By: Charles G. Williams et al.  
Atty. Case No.: AQUA-018-A

TOTAL PAGES: 6 including cover sheet.

DATE: October 20, 2006

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James C. Lydon

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,112,297:

Issued: September 26, 2006

Serial Number: 10/697,302

Group Art Unit: 1772

Filed: October 31, 2003

Examiner: Miggins

For: OVERMOLDING INSERT FOR HEAT EXCHANGER,  
PROCESS FOR MANUFACTURING HEAT EXCHANGER,  
AND HEAT EXCHANGER PRODUCED THEREBY

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
PURSUANT TO 37 C.F.R. § 1.705(d)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 20, 2006

Sir:

The Commissioner is requested to reconsider the patent term adjustment for U.S. Patent No. 7,112,297 ("the '297 patent"). The facts supporting this Request follow:

1. The Patent Office initially determined the '297 patent was entitled to 305 days of patent term adjustment. See the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) attached to the Notice of Allowance.

2. The Patent Office subsequently revised the patent term adjustment downward to 65 days. However, the correct patent term

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U.S. Patent 7,112,297

**PATENT**

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

adjustment is 165 days. The grounds for patent term adjustment under § 1.702 are:

1.702(a)(1): 305 days

1.702(a)(4): 14 days

3. The relevant dates, as specified in §§ 1.703(a) through (e), for which an adjustment is sought are:

1.702(a)(1): October 31, 2003 is the filing date of the application, December 31, 2004 is fourteen months after the application's filing date, and November 1, 2005 is the date the Patent Office mailed a Notice of Allowance.

1.702(a)(4): May 12, 2006 is the date Issue Fee was paid, September 12, 2006 is four months after the date the Issue Fee was paid, and September 26, 2006 is the date the '297 patent issued.

The correct patent term adjustment to which the '297 patent is entitled is 165 days (319 days of PTO delay - 154 days of applicant delay, discussed below).

4. The '297 patent is not subject to a terminal disclaimer.

5. The only circumstance constituting a failure of the applicant to engage in reasonable efforts to conclude processing or examination of the application is the following: The application became abandoned February 2, 2006 for failure to timely pay the

U.S. Patent 7,112,297

**PATENT**

## REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Issue Fee within three months of the Notice of Allowance dated November 1, 2005. A Petition for Revival of Unintentionally Abandoned Application, which included the Issue Fee payment, was filed May 12, 2006. The Patent Office granted the Petition on July 5, 2006. The number of days of applicant delay due to the late payment of the Issue Fee is 154 days.

**ARGUMENT**

The Patent Term Adjustment History for the '297 patent erroneously lists an additional 100 days of applicant delay due to "verification" the Issue Fee was paid.

The erroneous 100 day charge of applicant delay is part of the PTO's revision of its initial patent term adjustment. This error could not have been raised in an application for patent term adjustment under 37 C.F.R. § 1.705(b).

This Request is being timely filed within two months of the September 26, 2006 issue date of the '297 patent.

**ACTION REQUESTED**

The Commissioner is requested to revise the patent term adjustment for the '297 patent upward to 165 days.

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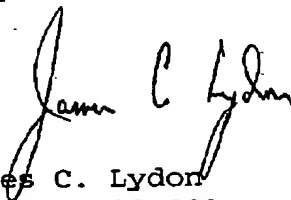
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U.S. Patent 7,112,297  
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

PATENT

The \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is attached.  
It is not believed any additional fee is required for entry and  
consideration of this Request. Nevertheless, the Commissioner is  
requested to charge our Deposit Account No. 50-1258 in the amount  
of any such required fee.

Respectfully submitted,



James C. Lydon  
Reg. No. 30,082

Atty. Case No.: AQUA-018-A  
100 Daingerfield Road  
Suite 100  
Alexandria, Virginia 22314  
Telephone: (703) 838-0445  
Facsimile: (703) 838-0447

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